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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

JENNIFER TILDEN,

Plaintiff,

v.

C. R. BARD, INC.; BARD PERIPHERAL  
VASCULAR, INCORPORATED,

Defendants.

CASE NO. 2:19-cv-01571-JAD-DJA

**STIPULATION AND  
ORDER TO STAY DISCOVERY AND  
ALL PRETRIAL DEADLINES**

(FIRST REQUEST)

The parties, Plaintiff Jennifer Tilden (“Plaintiff”) and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (“Bard”), respectfully request pursuant to Fed. R. Civ. P. 26(c) and (d) that this Court temporarily stay discovery until November 15, 2019 while they pursue on-going settlement discussions. In support thereof, the Parties state as follows:

1. This case was part of a Multi-District Litigation proceeding called *In re: Bard IVC Filter Litigation*, pending before Senior Judge David Campbell of the District of Arizona.

2. After four years, the completion of general issue discovery, and completion of three bellwether trials, Judge Campbell has ordered that cases, which have not settled or are not close to settling, be transferred to the appropriate jurisdictions around the country for case-specific discovery and trial. As a part of that process, Judge Campbell established a “track”

1 system, wherein certain cases were placed on tracks either to finalize settlement paperwork,  
2 continue settlement negotiations, or be remanded or transferred.

3 3. Plaintiff's counsel recently notified Defense counsel that this case was placed  
4 on an incorrect "track" and thus inadvertently remanded and transferred even though  
5 settlement discussions are ongoing. The parties have entered into an agreement that is  
6 memorialized in correspondence dated September 17, 2019. The agreement includes a  
7 requirement that the parties engage in good-faith settlement discussions in an attempt to  
8 resolve all claims in this case.

9 4. A district court has broad discretion over pretrial discovery rulings. *Crawford-*  
10 *El v. Britton*, 523 U.S. 574, 598 (1998); *Miller v. Safeco Title Ins. Co.*, 758 F.2d 364, 369 (9th  
11 Cir. 1985) ("[t]he district court is given broad discretion in supervising the pretrial phase of  
12 litigation"); *Johnston v. Gedney*, 2019 U.S. Dist. LEXIS 127392, at \*7 (D. Nev. July 30, 2019)  
13 (same); *RH Kids, LLC v. Lehman*, 2018 U.S. Dist. LEXIS 17811, at \*3 (D. Nev. Jan. 3, 2018)  
14 (granting a stay of the proceedings) ("[f]ederal district courts have 'wide discretion in  
15 controlling discovery'" (quoting, *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988)));  
16 *Evanston Ins. Co. v. W. Cmty. Ins. Co.*, 2014 U.S. Dist. LEXIS 136129, at \*5 (D. Nev.  
17 Sept. 25, 2014) ("[t]he Court has inherent power to control its docket, including the discretion  
18 to stay proceedings") (citing, *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55, 57 S. Ct. 163, 81  
19 L. Ed. 153 (1936)).

20 5. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the  
21 scope of discovery or control its sequence. *Britton*, 523 U.S. at 598. Although settlement  
22 negotiations do not automatically excuse a party from its discovery obligations, the parties  
23 can seek a stay of discovery prior to a deadline. *Lair v. Bullock*, 697 F.3d 1200, 1203 (9th  
24 Cir. 2012) (discussing the court's discretion in exercising a stay); *Bacon v. Reyes*, 2013 U.S.  
25 Dist. LEXIS 143300, at \*4 (D. Nev. Oct. 3, 2013) ("[w]hether to grant a stay is within the  
26 discretion of the court") (citing *Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir.  
27 1984)).

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1           6.       Thus, the Parties jointly move this Court for an order staying discovery until  
2 November 15, 2019 to allow the parties to continue to engage in settlement discussions. This  
3 will further facilitate settlement discussions and prevent unnecessary expenditures of the  
4 parties and judicial resources.

5           7.       The Parties agree that the relief sought herein is necessary to handle the case in  
6 the most economical fashion, yet allow sufficient time to schedule and complete discovery if  
7 necessary, consistent with the scheduling obligations of counsel. The relief sought in this  
8 Motion is not purely for delay, but so that justice may be done.

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1           **WHEREFORE**, the Parties stipulate that discovery and all pre-trial deadlines be  
2 stayed until **November 15, 2019** to allow the parties to conduct ongoing settlement  
3 negotiations.

4           **IT IS SO STIPULATED.**

5           DATED this 27<sup>TH</sup> day of September, 2019.

6           THE MILLER LAW FIRM, LLC

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IT IS SO ORDERED.

IT IS FURTHER ORDERED that the parties shall  
file a joint status report updating the Court on the  
status of the case by November 16, 2019.

25 DATED: October 1, 2019

  
Daniel J. Albregts  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on **September 27, 2019**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service, and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

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